

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

MARIO VALLE,

Plaintiff,

v.

HCCC MEDICAL DEPARTMENT,

Defendant.

09-CV-3118 (WJM)

ORDER

This matter having been raised by Plaintiff seeking an application to proceed without payment of fees under 28 U.S.C. §1915; and the Court having *sua sponte* screened the Complaint in the above-captioned action pursuant to 28 U.S.C. § 1915(e)(2)(B) to determine if it states a claim; and Plaintiff stating in his complaint that he has failed to exhaust available administrative remedies before bringing this action; and for good cause shown;

IT IS on this 13th day of July, 2009, hereby,

ORDERED that Plaintiff's application to proceed *in forma pauperis* is **GRANTED** pursuant to 28 U.S.C. § 1915(a); and it is

FURTHER ORDERED that the Clerk of the Court shall file the Complaint without prepayment of fees and security; and it is

FURTHER ORDERED that the Complaint is **DISMISSED** without prejudice pursuant to 42 U.S.C. § 1997e(a) for failure to exhaust available administrative remedies before bringing a claim under 28 U.S.C. § 1983.

/s/ William J. Martini

WILLIAM J. MARTINI, U.S.D.J.